

ASSIGNED

Serial No. 51990

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. APR 8 1988 NEW PRIORITY DATE: MAR 30 1993

Returned to applicant for correction. MAY 5 1988

Corrected application filed. Map filed JUN 20 1988

The applicant FMG INC.
5250 NEIL ROAD, SUITE #205 of RENO
Street and No. or P.O. Box No. City or Town

NEVADA 89502 hereby make application for permission to change the
State and Zip Code No.

POINT OF DIVERSION AND PLACE OF USE "ON A PORTION ONLY."
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under PERMIT 49815
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
identify right in Decree.)

1. The source of water is. Underground Well
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed. 2.873 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for. Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for. Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point. NW 1/4 NE 1/4 Section 8 T38N, R43E, MDM or at a
Describe as being within a 40-acre subdivision of public survey and by course and
point from which the North 1/4 corner of said Section 8 bears, N 07° 41' 40" W a
distance to a section corner. If on unsurveyed land, it should be stated.
distance of 803.83 feet (see map on file under permit #28757)

6. The existing permitted point of diversion is located within. SE 1/4 SE 1/4 Section 3, T38N, R42E, MDM
If point of diversion is not changed, do not answer.
or at a point from which the Southeast corner of said Section 3 bears, S72° 53' E
a distance of 784.8 feet.

7. Proposed place of use. Portions of E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 NE 1/4 of
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Section 27, T39N, R42E MDM. A portion of E 1/2 SE 1/4 Section 22, T39N, R42E MDM. A
portion of SW 1/4 SW 1/4 Section 23, T39N, R42E MDM. A portion of NW 1/4 NW 1/4 of Section 26,
T39N, R42E MDM.

8. Existing place of use. SE 1/4 SE 1/4, SW 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4, S 1/2 NE 1/4 SE 1/4 Section 3, T38N, R42E
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from. January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from. January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Install pump motor storage tank and pipelines
State manner in which water is to be diverted, i.e. diversion structure, ditches,

to mill site.
pipes and flumes, or drilled well, etc.

12. Estimated cost of works. \$690,000

13. Estimated time required to construct works. 8 months Well is same on listed under Permit
#28757

14. Estimated time required to complete the application of water to beneficial use..... 2 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The estimated consumption is 263 million gallons per annum. It is our intention that the combined duty of water under this new Permit Application plus Permits #28758 and 28759 shall not exceed 676 million gallons annually and that Permit #49815 shall contain 127 cfs of water appropriation, not to exceed 30 million gallons annually.

By.....s/Charles P. Dooley.....
Charles P. Dooley
5250 Neil Road, Suite 205
Reno, NV 89502
Compared.....jjk/jm.....pm/se
Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 49815 is issued subject to the terms and conditions imposed in said Permit 49815 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.873 cubic feet per second, but not to exceed 263 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before December 4, 1988

Proof of completion of work shall be filed before January 4, 1989

Application of water to beneficial use shall be made on or before December 4, 1989

Proof of the application of water to beneficial use shall be filed on or before January 4, 1990

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed..... DEC 22 1988 IN TESTIMONY WHEREOF, I..... PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed..... my office, this 19th day of October

Cultural map filed..... A.D. 19 88.....

Certificate No..... Issued.....
2407 (Rev. 6-81) MAR 26 1993
CANCELED
OF APPLICANT TO COMPLY WITH THE PERMIT

STATE ENGINEER
300 Resinded 3-30-93
61546 1-205
port 61201-T 0.295, EXP. 5-3-96
61667-T 1378
port 62687-1.378

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 28758, 28759 and 51990 shall not exceed 706 million gallons annually.